

REMARKS

Initially, Applicant notes that the remarks made in this paper are consistent with those presented during the phone call of November 28, 2007.

The Non-Final Office Action, mailed October 9, 2007, considered claims 1-26. Claims 1, 2, 9, 11 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatano et al. (US Patent Publication No.: 2005/0226467), hereinafter Hatano, in view of Thieme et al. (US Patent Publication No.: 2006/0056662), hereinafter Thieme. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatano in view of Thieme and further in view of Siegel et al. (US Patent Publication No.: 2006/0034492), hereinafter Siegel. Claims 4-8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatano in view of Thieme and further in view of Biswas et al. (US Pat. No.: 7,120,280), hereinafter Biswas. Claims 12-19 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegel in view of Biswas.

By this paper no claims have been amended, added or canceled such that claims 1-26 remain pending and of which claims 1, 11, 12, and 22 are the only independent claims at issue.

Applicant respectfully submits that the Examiner has failed to satisfy the basic requirements of a *Prima Facie* case of obviousness under 35 U.S.C. §103(a). To establish a *Prima Facie* case of obviousness, three criteria must be met: (1) there must be some suggestion or motivation, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest **all** of the claim limitations.¹ Applicant respectfully submits that the cited art fails to teach or suggest all of the claim limitations and furthermore, that the Office Action itself fails to even assert that all of the limitations are taught.

With regard to the rejection of independent claim 1, the Office Action fails to cite teaching or motivation suggesting the claim elements of: (1) the patterned object being placed in any arbitrary orientation adjacent to an object side of an interactive display surface, (2) acquiring input data values from the interactive display surface, each of the input data values corresponding to a different one of the plurality of surface coordinate locations of the interactive

¹ In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest **all** the claim limitations." MPEP § 2143 (emphasis added). In addition, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one or ordinary skill in the art, to modify the references or to combine reference teachings. MPEP § 2143. During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

display surface, each input data value representing a magnitude of the physical property detected at a different one of said plurality of surface coordinate locations and (3) the template comprising a quadrilateral template bounding region having a side aligned with one of the two orthogonal axes and a set of template data values associated with the quadrilateral template bounding region, each template data value representing a magnitude of the physical property at a different one of a plurality of surface coordinate locations within a bounding area encompassing the patterned object.

Independent claim 11 is directed to a memory medium storing computer executable instructions for performing the method of claim 1. As such, the above arguments are applicable to claim 11 as well.

Independent claim 12 is similar to claims 1 and 11, but claim 12 recites a system rather than a method. The Office Action fails to reference any art that teaches or suggests at least: (1) a light source that directs infrared light toward the opposite side of the interactive display surface and through the interactive display surface, to the interactive side, (2) the template comprising a quadrilateral template bounding region having a side aligned with one of the two orthogonal axes and a set of template data values associated with the quadrilateral template bounding region, each template data value representing an intensity of reflected infrared light at a different location within a bounding area encompassing the patterned object, and (3) acquiring input data values from the interactive display surface with the light sensor, each of the input data values corresponding to the intensity of infrared light reflected from a different one of the plurality of surface coordinate locations of the interactive display surface. Furthermore, Applicant respectfully submits that a scanner is not an interactive display as claimed for at least the reason that a scanner does not contain a display.

Independent claim 22 is similar to claim 1, but recites the method in functional step for language and is specific to infrared light. Similarly, the Office Action fails to cite any references that teach or suggest (a) detecting reflected infrared light that has passed through the interactive display surface and been reflected from the patterned object back through the interactive display surface (the Office Action merely states that there is a light sensor and a light source, but the light source described does not pass through the interactive display surface as recited in the claims) and (b) determining that the patterned object is adjacent to the interactive display

surface. (Neither of the references cited in the rejection are concerned with proximity to the surface.)

In view of the foregoing, Applicant respectfully submits that the rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.² Furthermore, Applicant respectfully reminds the Examiner that any subsequent rejection of the pending claims would properly be considered a first action on the merits in as much as Applicant has made no amendments to the claims and the present rejection fails to present a *prima facie* case of obviousness.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 9th day of January, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
JOHN C. BACOCH
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
AHY0000007437V001

² Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.